IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 210 of 2007(Y)

PETITIONER:

P.V.THANKAMANI,
AGED 54 YEARS, W/O.A.N.PONNAPPAN,
UPPER PRIMARY SCHOOL ASSISTANT,
I.I.V.U.P.SCHOOL, MALIPPURAM,
VYPEEN, ERNAKULAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA
SRI.M.SAJJAD

RESPONDENTS:
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1. THE STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHAPURAM-14.

3. THE DISTRICT EDUCATIONAL OFFICER,
ERNAKULAM DISTRICT.

4. THE ASSISTANT EDUCATIONAL OFFICER,
VYPEEN, ERNAKULAM DISTRICT.

5. THE MANAGER,
I.I.V.U.P.SCHOOL, MALIPPURAM,
VYPEEN, ERNAKULAM DISTRICT.

6. SRI.T.U.ABDUL KHADER,
TEACHER-IN-CHARGE, I.I.V.U.P.SCHOOL,
MALIPPURAM, VYPEEN, ERNAKULAM DISTRICT.

BY ADV. SRI.ESM.KABEER
SRI.KRB.KAIMAL (SR.)
SRI.B.UNNIKRISHNA KAIMAL
G.P.SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON 26/02/2007 DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1	**TRUE COPY OF THE ORDER NO.B-1529/04/K.DIS. OF THE ASST. EDL. OFFICER, VYPEEN**
EXT.P2	**TRUE COPY OF THE ORDER NO.B4/475/05/K.DIS. OF THE DIST. EDUCATIONAL OFFICER, ERNAKULAM**
EXT.P3	**TRUE COPY OF THE ORDER NO.K.DIS.F5/82791/05/DPI OF R2**
EXT.P4	**TRUE COPY OF THE JUDGMENT OF THIS COURT IN W.P.C.NO.21101/06**
EXT.P5	**TRUE COPY OF THE G.O.(FT)NO.5366/06/GE OF THE GOVT.**
EXT.P6	**TRUE COPY OF THE DECISION REPORTED IN 2003(1)KLT 60**

/True copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.210 OF 2007

Dated this the 26th day of February, 2007

JUDGMENT

Petitioner challenges Ext.P5 to the extent it orders the monetary benefits due to the petitioner on promotion as Headmistress only with effect from the date of promotion. In Ext.P5 Director promoted the petitioner notionally with effect from 01-04-2004 with monetary benefits from the date of joining duty as Headmistress. The petitioner also seeks to implement Exts.P1, P2, P3 and P5.

3. Learned counsel for the petitioner relies on the decision in **State of Kerala v. Bhaskaran Pillai** (2003(1)KLT 60). He points out that the appointment of the 6th respondent was not approved.

4. In view of the fact that I have dismissed W.P.(C)No.456/07, there will be a direction to the fifth respondent

to appoint the petitioner as Headmistress in accordance with law without any further delay and at any rate, within two weeks from the date of receipt of a copy of this judgment. I quash Ext.P5 to the extent it directs payment of monetary benefits to the petitioner only from the date of joining duty as Headmistress. First respondent will hear the petitioner, the manager and the 6th respondent and take a fresh decision in this regard in accordance with law within a period of two months from the date of receipt of a copy of this judgment.

K.M.JOSEPH
JUDGE

sv.